

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v.-

JORGE NAVARRO, et al.,

Defendants.

USDC SDNY
DOCUMENT
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20 Cr. 160 (MKV)

**TRIAL SCHEDULING ORDER – S.
FISHMAN, L. GIANNELLI, and J.
FISHMAN**

MARY KAY VYSKOCIL, District Judge:

The Southern District of New York has reconfigured courtrooms and other spaces in its courthouses to allow jury trials to proceed as safely as possible during the COVID-19 pandemic. Under the centralized calendaring system currently in place, the Clerk's Office schedules several jury trials to begin on each day of jury selection: a primary case and several back-up cases that may proceed in its place if the primary case does not go forward. Priority is given to criminal trials and to trials of defendants who are incarcerated.

At the May 14, 2021 conference in this case, the Court informed the parties that it would seek to schedule a trial date in the fourth quarter of 2021 for the first trial in this case and directed the parties to confer about how the defendants should be grouped to trial. [ECF No. 384, Tr. at 31:20-32:4]. On June 11, 2021, the Government submitted a letter proposing four groupings of defendants to be tried separately. [ECF No. 399.] The letter stated that the Government had “circulated th[e] proposal to counsel for all defendants and [] received no objections,” but the letter did indicate that defendant Seth Fishman reserved the right to submit a separate letter addressing the issue. At a hearing on June 25, 2021, counsel for Dr. Fishman advised that he had no objection to the trial groups. [ECF No. 426, Tr. at 10:23-11:15.] The Court has not received any objections since the filing of the Government’s letter. Accordingly,

the Court ORDERS that this case will be tried in the groups set out in the Government's June 11 letter, with the first trial to include Defendants Seth Fishman, Giannelli, and Jordan Fishman.

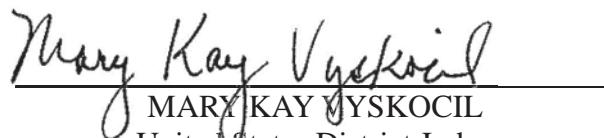
The Court advised the parties at the last conference on May 14, 2021 in this case that it would request a trial slot in the fourth quarter of 2021 for the first trial in this case. [ECF No. 384, Tr. at 32:14-22]. Following that request, the Clerk's Office has now notified the Court that the case has been placed on the jury trial list for **November 15, 2021**. The case is third on the list for jury trials for that day. This means that the case will proceed on November 15, 2021 if both of the two trials listed before it do not go forward. If the case cannot proceed on the scheduled date, the Court will seek another jury trial date for as soon as possible thereafter. The Court will post any updates to the trial schedule on the docket. The case has been calendared for eighteen trial days (to include jury selection) to commence on November 15, 2021, and the case must be trial-ready for that date.

It is hereby ORDERED that the following trial schedule will be in effect as to Defendants Seth Fishman, Lisa Giannelli, and Jordan Fishman:

- The parties must be prepared for trial to commence on **November 15, 2021** at a time and courtroom to be notified;
- Jury charge requests, proposed *voir dire* questions, and any motions *in limine* will be due **October 25, 2021**;
- Any opposition papers to motions *in limine* will be due **November 1, 2021**;
- The final pre-trial conference will be scheduled for **November 10, 2021, at 10:00am** in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007.

SO ORDERED.

Dated: August 30, 2021
New York, New York



MARY KAY VYSKOCIL
United States District Judge